

Red- 30 Jan 78 version

TITLE III -- CENTRAL INTELLIGENCE AGENCY

TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|-------------|
| PART A, SHORT TITLE; PURPOSE; DEFINITIONS----- | 1 |
| SHORT TITLE, Sec. 301----- | 1 |
| STATEMENT OF PURPOSES, Sec. 302----- | 2 |
| DEFINITIONS, Sec. 303----- | 3 |
| PART B, ESTABLISHMENT OF AGENCY; DIRECTOR; FUNCTIONS----- | 4 |
| ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY, Sec. 311----- | 4 |
| DIRECTOR; DUTIES OF DIRECTOR, Sec. 312----- | 5 |
| FUNCTIONS, Sec. 313----- | 6 |
| PART C, GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL AND INSPECTOR GENERAL----- | 9 |
| GENERAL AUTHORITIES OF THE AGENCY, Sec. 321----- | 9 |
| PROCUREMENT AUTHORITY, Sec. 322----- | 15 |
| RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES, Sec. 323----- | 17 |
| ADMISSION OF ESSENTIAL ALIENS, Sec. 324----- | 19 |
| AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES, Sec. 325----- | 20 |
| GENERAL COUNSEL; INSPECTOR GENERAL, Sec. 326----- | 25 |
| PART D, CONFLICTS OF INTEREST; CRIMINAL PENALTIES; RESTRICTIONS----- | 27 |
| CONFLICTS OF INTEREST, Sec. 331----- | 27 |
| CRIMINAL PENALTIES, Sec. 332----- | 28 |
| RESTRICTIONS, Sec. 333----- | 31 |
| PART E, TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM----- | 32 |
| TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL, Sec. 341----- | 32 |
| RETIREMENT SYSTEM, Sec. 342----- | 36 |
| PART F, TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS; STATUTES REPEALED----- | 37 |
| TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS, Sec. 351----- | 37 |
| STATUTES REPEALED, Sec. 352----- | 39 |

PART A

1.9

SHORT TITLE; PURPOSE; DEFINITIONS

1.11

SHORT TITLE

1.14

Sec. 301. This title may be cited as the "Central
Intelligence Agency Act of 1978".

1.18

1.19

STATEMENT OF PURPOSES

2.2

Sec. 302. It is the purpose of this Act --

2.7

(1) to clarify the statutory authorities, functions and responsibilities of the Central Intelligence Agency;

2.9

2.10

(2) to authorize the Central Intelligence Agency to perform intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

2.12

2.13

2.14

(3) to ensure that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

2.16

2.17

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right guaranteed by the Constitution or protected by the laws of the United States.

2.21

2.22

2.23

2.24

2.25

2.26

DEFINITIONS

3.2

Sec. 303. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title. 3.6 3.7

(b) As used in this title-- 3.9

(1) The term "cover" refers to any means by which the true identify or affiliation with the Central Intelligence Agency of an activity, officer, employee, or agent of the Central Intelligence Agency, or of a related corporation or organization, is disguised or concealed. 3.11 3.13 3.14

(2) The term "proprietary" means a sole proprietorship, partnership, corporation or other business entity owned or controlled by the Central Intelligence Agency but whose relationship with the Central Intelligence Agency is not publicly known. 3.16 3.17 3.18

PART B

4.3

ESTABLISHMENT OF AGENCY; DIRECTOR;
FUNCTIONS

4.5

4.6

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

4.9

Sec. 111. There is established an Agency to be known as 4.13
the Central Intelligence Agency (hereinafter in this title
referred to as the "Agency"). The Agency shall be under the 4.15
direction and control of the National Security Council.

DIRECTOR; DUTIES OF DIRECTOR

5.2

Sec. 312. (a) There shall be at the head of the Agency a 5.6
Director of the Central Intelligence Agency (hereinafter in this 5.7
title referred to as the "Director"). The Director of National 5.8
Intelligence, or, in accordance with section ___ of this Act, the 5.9
Deputy Director of National Intelligence or an Assistant Director
of National Intelligence, shall act as the Director. In the 5.10
event that the Director and the Director of National Intelligence 5.11
are not one and the same person, the Director shall be subject to 5.12
the supervision of, and responsive to intelligence plans, 5.13
objectives, and requirements established by, the Director of
National Intelligence. 5.14

(b) It shall be the duty of the Director to -- 5.17

(1) ensure that the functions of the Agency are 5.19
performed in conformity with the Constitution and laws of 5.20
the United States, and that the performance of those 5.21
functions does not abridge any right guaranteed by the 5.22
Constitution or protected by the laws of the United States;

(2) ensure that the activities of the Agency are 5.24
properly and efficiently directed, regulated, coordinated, 5.25
and administered; and

(3) perform the duties assigned elsewhere in this Act 5.27
to the head of each entity of the Intelligence Community. 5.28

FUNCTIONS

6.2

Sec. 313. (a) All activities, duties, and responsibilities of the Agency shall be related to the intelligence functions set out in this section, and shall be performed in accordance with this Act.

6.6

6.7

6.8

(b) The Agency shall, with respect to the collection of foreign intelligence--

6.10

6.11

(1) collect foreign intelligence from publicly available sources and from any person willing voluntarily to provide such intelligence;

6.13

6.14

6.15

(2) when the information sought is not available publicly or from a person willing voluntarily to provide the information, collect foreign intelligence by clandestine means abroad and, when integrally and exclusively related to Agency activities outside the United States, from foreign persons within the United States; and

6.17

6.18

6.19

6.20

(3) develop and provide support for technical and other programs which collect national intelligence from sources outside the United States.

6.23

(c) The Agency shall produce, analyze and disseminate foreign intelligence necessary to meet the needs of the President, the National Security Council, the Congress and other departments and agencies, and shall provide such support as the Director of National Intelligence requires for the production of national intelligence estimates and similar Intelligence Community-coordinated analyses.

6.25

6.26

6.27

6.28

6.29

6.30

(d) The Agency shall conduct special activities in support of national foreign policy objectives.

6.32

6.33

- (e) The Agency shall-- 6.36
- (1) conduct counterintelligence and counterterrorism 6.38
activities outside the United States; 6.39
- (2) conduct such counterintelligence and 6.41
counterterrorism activities within the United States as are 6.42
integrally related to counterintelligence or 6.43
counterterrorism activities of the Agency outside the United 6.44
States; and
- (3) produce and disseminate counterintelligence and 6.46
counterterrorism studies and reports. 6.47
- (f) The Agency shall act as the Director of National 6.49
Intelligence's agent in the coordination of all 6.50
counterintelligence and counterterrorism activities, and of all
clandestine collection of foreign intelligence, including 6.51
collection utilizing human sources, conducted outside the United 6.52
States by any other entity of the Intelligence Community.
- (g) The Agency shall also -- 6.55
- (1) conduct or contract for research, development, 6.57
and procurement of technical systems and devices relating to 6.58
authorized functions;
- (2) conduct services of common concern for the 6.60
Intelligence Community as directed by the Director of 6.61
National Intelligence;
- (3) conduct liaison with foreign governmental 6.63
agencies in coordination with the Director of National 6.64
Intelligence; and
- (4) provide legal, legislative and audit services and 6.66
other administrative support to the Office of the Director 6.67
of National Intelligence.

(h) (1) All Agency activities within the United States 6.69
involving the collection of intelligence and all Agency 6.70
counterintelligence and counterterrorism activities within 6.71
the United States shall be conducted in coordination with 6.72
the Federal Bureau of Investigation and in accordance with 6.73
procedures agreed upon by the Attorney General and the 6.74
Director of National Intelligence.

(2) The Director of National Intelligence and the 7.1
Attorney General shall conduct a review, at least annually, 7.2
of all Agency activities within the United States for the 7.3
purpose of ensuring that such activities do not violate any 7.4
right guaranteed by the Constitution or protected by the 7.5
laws of the United States, determining the necessity for 7.6
continuing such activities, and making such recommendations
in this regard as they deem appropriate to the President, 7.7
the National Security Council, and the Permanent Select
Committee on Intelligence of the House of Representatives 7.8
and the Select Committee on Intelligence of the Senate.

PART C

8.3

GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY;
 AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL
 AND INSPECTOR GENERAL

8.5

8.6

8.7

GENERAL AUTHORITIES OF THE AGENCY

8.10

Sec. 321. (a) In carrying out its functions under this 8.14
 Act, the Agency is authorized to-- 8.15

(1) transfer to and receive from other departments 8.17
 and agencies for the sole purpose of carrying out functions 8.18
authorized by this title, such sums of money as may be 8.19
 approved by the Director of National Intelligence and the 8.20
 Director of the Office of Management and Budget, and sums so 8.23
 transferred to the Agency may be expended by the Agency
 without regard to any limitation on appropriations from 8.24
 which transferred but only when the Director certifies in 8.25
 writing that such limitation would unduly impede the 8.26
 performance of a function authorized by this title and
transmits such written certification to the appropriate 8.27
 committees of the Congress; 8.28

(2) exchange funds without regard to the provisions 8.30
 of section 3651 of the Revised Statutes (31 U.S.C. 543); 8.31

(3) reimburse other departments and agencies for the 8.33
 services of personnel assigned or loaned to the Agency; 8.34

(4) reimburse other departments and agencies for 8.36
 expenses incurred when Agency personnel are assigned to such 8.37
departments and agencies for cover purposes; 8.38

(5) rent any premises necessary to carry out any 8.40
 function of the Agency authorized under this Act, and make 8.41
 alterations, improvements, and repairs to premises of, or

rented by, the Agency as may be necessary without regard to 8.42
any limitation prescribed by law if the Director (A) 8.43
expressly waives such limitation otherwise applicable to the 8.45
renting, alteration, improvement, or repair, as the case may 8.46
be, of premises after a finding that such waiver is
necessary to the successful performance of the Agency's 8.47
functions or the security of its activities, and (B)
promptly notifies the Permanent Select Committee on 8.48
Intelligence of the House of Representatives and the Select
Committee on Intelligence of the Senate of the waiver and of 8.49
the reasons for exercising such waiver;

(6) conduct background investigations of applicants 8.51
for employment with the Agency; 8.52

(7) establish, maintain, and operate secure 8.54
communications systems in support of Agency operations and, 8.55
as a service of common concern, establish, maintain, and
operate such secure communications systems as may be 8.56
required for the use of other departments and agencies; 8.57

(8) perform inspection, audit, public affairs, legal, 8.59
and legislative services; 8.60

(9) establish, furnish, and maintain secure cover for 8.62
Agency officers, employees, and agents; 8.63

(10) establish and operate proprietaries to support 8.65
Agency operations; 8.66

(11) protect, in accordance with standards 8.68
established by the Director of National Intelligence under 8.69
section _____ and with any other applicable statute or 8.70
Executive order, materials and information related to 8.71
intelligence sources and methods; and

SC-1 +up

(12) perform such additional functions as are 8.73
 otherwise authorized by this Act to be performed by each 8.74
 entity of the Intelligence Community;

(b) Notwithstanding the provisions of section 3678 of the 9.1
 Revised Statutes (31 U.S.C. 628) or any provision of law enacted 9.2
 after the effective date of this title, unless such subsequently 9.3
 enacted provision expressly cites this subsection, any department 9.4
 or agency may transfer to or receive from the Agency any sum of
 money approved, in accordance with subsection (a) (1) above, by 9.5
 the Director of National Intelligence and the Director of the
 Office of Management and Budget for use in carrying out any 9.6
 function authorized by this title. 9.7

(c) Notwithstanding any other provision of law, any 9.9
 department or agency is authorized to assign or loan to the 9.10
 Agency any officer or employee of such department or agency to 9.11
 assist the Agency in carrying out any function of the Agency 9.12
 authorized by this title. In any case in which any officer or
 employee of another department or agency is assigned or loaned to 9.13
 the Agency in a manner that would be prohibited except for this 9.15
 subsection, the Agency shall report the details of such
 assignment or loan to the appropriate committees of the Congress. 9.16

(d) (1) Any proprietary established and operated by the 9.18
 Agency may be operated on a commercial basis to the extent 9.19
 necessary to provide effective cover. Any funds generated 9.20
 by any such proprietary in excess of the amount necessary 9.21
 for its normal operational requirements shall be deposited
 by the Director into miscellaneous receipts of the Treasury. 9.22

(2) Whenever any Agency proprietary whose net value 9.24
 exceeds \$50,000, is to be liquidated, sold, or otherwise 9.25

disposed of, the Agency shall, as much in advance of the
liquidation, sale, or other disposition of the proprietary 9.26
as practicable and subject to such security standards as the 9.27
Director and Attorney General shall agree upon, report the 9.28
circumstances of the intended liquidation, sale, or other 9.29
disposition to the Attorney General and the Comptroller
General of the United States. Any proceeds from any 9.30
liquidation, sale, or other disposition of any Agency 9.31
proprietary, in whatever amount, after all obligations of
the proprietary have been met, shall be deposited by the
Director into miscellaneous receipts of the Treasury. 9.32

(e) The authority contained in clauses (9) and (10) of 9.34
subsection (a) shall, except as otherwise provided in this Act, 9.35
be available to the Agency notwithstanding any other provision of
law and shall not be modified, limited, suspended, or superseded 9.36
by any provision of law enacted after the effective date of this 9.37
title unless such provision expressly cites the specific 9.38
provision of subsection (a) intended to be so modified, limited, 9.39
suspended, or superseded.

(f) The Agency may continue to use the seal of office used 9.41
by the Central Intelligence Agency prior to the effective date of 9.42
this title and judicial notice shall be taken of such seal. 9.43

(g) Subject to the provisions of section 125(a) of this 9.45
Act, no provision of law shall be construed to require the 9.46
Director or any other officer or employee of the United States to 9.47
disclose the organization, function, name, official title,
salary, or affiliation with the Central Intelligence Agency of 9.48
any person employed by the Agency, or the number of persons 9.49

employed by the Agency, unless such provision specifically 9.50
requires such disclosure and expressly cites this section.

(h) The Director may appoint and assign security officers 9.52
to police the installations and grounds of the Agency, where such 9.53
security officers shall have the same powers as sheriffs and
constables for the protection of persons and property, to prevent 9.54
breaches of the peace, to suppress affrays or unlawful 9.55
assemblies, and to enforce any rule or regulation the Director
may promulgate for the protection of such installations and 9.56
grounds. The jurisdiction and police powers of such security 9.57
officers shall not, however, extend to the service of civil 9.58
process.

(i) The Director may authorize employees of the Agency to 9.60
carry firearms within the United States for courier protection 9.61
purposes, for the protection of the Director of National
Intelligence, the Deputy Director of National Intelligence, and 9.62
any Assistant Director of National Intelligence, and, in exigent
circumstances, such officials of the Agency as the Director may 9.63
designate, and for the protection of any defector from any 9.64
foreign country or any foreign person visiting the United States
under Agency auspices.

(b) (1) appoint and separate such personnel as it deems 9.66
advisable, without regard to the provisions of title 5, 9.67
United States Code, governing appointments to and
separations from the competitive services, and fix the 9.68
compensation of such personnel without regard to the 9.69
provisions of chapter 51 and subchapter III of chapter 53 of 9.70
that title, relating to classification and General Schedule

pay rates, but at rates not in excess of the rate authorized 9.71
for Executive Schedule V by section 5315 of that title; 9.72

(2) Notwithstanding any other provision of law, the 9.74
Director may terminate the employment of any officer or 9.75
employee of the Central Intelligence Agency whenever the 10.1
Director considers such termination necessary or advisable
in the interests of the national security of the United 10.2
States. The Director shall report to the Permanent Select 10.3
Committee on Intelligence of the House of Representatives 10.4
and the Select Committee on Intelligence of the Senate, in a 10.5
timely manner, any exercise of the Director's authority
under this paragraph.

(3) Executive schedule positions within the Agency 10.7
in addition to those of Director, General Counsel, and 10.8
Inspector General and any positions in the grades of GS-16, 10.9
GS-17, and GS-18 other than those transferred to the Agency 10.10
under this Act shall be as authorized by law.

(4) Any Agency officer or employee who has been 10.12
separated under paragraph (1) or whose employment has been 10.13
terminated under paragraph (2) may seek or accept employment 10.14
by the Government if declared eligible for such employment
by the United States Civil Service Commission, and that 10.15
Commission may move such officer or employee to a position 10.16
in the competitive civil service in the same manner as an 10.17
employee is transferred between two positions in the
competitive service, provided that such Agency officer or 10.18
employee must have served with the Agency for at least one 10.19
year continuously immediately preceding separation or
termination. 10.20

PROCUREMENT AUTHORITY

11.2

Sec. 322. (a) The Agency is authorized to procure such 11.6
property, services, equipment and facilities as may be necessary 11.7
to carry out its functions under this title. The provisions of 11.8
chapter 137, relating to the procurement of property and
services, and chapter 139, relating to the procurement of 11.9
research and development services, of title 10, United States
Code, shall apply to the procurement of property and research and 11.10
development services by the Agency under this title in the same 11.11
manner and to the same extent such chapters apply to the 11.12
procurement of property, services, and research and development 11.13
services by the agencies named in section 2302(a) of chapter 137
of title 10, except that the Director is authorized to waive the 11.15
application of any or all of the provisions of chapters 137 and 11.16
139 of title 10 when the Director deems such action necessary to
the successful performance of any function of the Agency or to 11.17
protect the security of activities of the Agency. Any waiver 11.18
exercised by the Director under this section shall be reported to 11.19
the Permanent Select Committee on Intelligence of the House of
Representatives and the Select Committee on Intelligence of the 11.20
Senate together with the reasons for exercising such waiver.

(b) The Agency is further authorized to procure property, 11.22
goods, or services, on the Agency's own behalf or on behalf of 11.23
any other entity of the Intelligence Community, in such a manner
that the role of the Agency or such other entity is not apparent 11.24
or publicly acknowledged, if public knowledge that the Agency or
such other entity is the procurer of the property, goods, or 11.25
services will inhibit or interfere with the secure conduct of an

authorized intelligence function. The procurement authority 11.26
provided under this subsection may be exercised by the Agency
notwithstanding any other provision of law and shall not be 11.27
modified, limited, suspended, or superseded by any provision of
law enacted after the effective date of this title unless such 11.28
provision expressly cites this subsection.

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3
*This section is
new*

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES 12.2

Sec. 323. In addition to those activities of the Agency 12.6
which relate to other departments and agencies and which are 12.7
authorized in other provisions of this Act, the Agency is further 12.8
authorized--

(1) to seek assistance from state and local law 12.10
enforcement agencies in the conduct of background and 12.11
security investigations of applicants for employment with
the Agency, employees and contractors of the Agency, and 12.12
other persons similarly associated with the Agency; 12.13

(2) to provide technical guidance, training, and 12.15
equipment to any other entity of the Intelligence Community 12.16
engaged in lawful intelligence activities;

(3) to provide technical information to assist the 12.18
Passport Office of the Department of State in carrying out 12.19
its documentation responsibilities;

(4) when extraordinary circumstances indicate that a 12.21
foreign person associated with the Agency should enter or 12.22
leave the United States under other than such person's true 12.23
identity, to notify the Immigration and Naturalization
Service of those circumstances and request a waiver of 12.24
otherwise applicable rules and procedures; 12.25

(5) when the Internal Revenue Service is auditing 12.27
the tax returns of an Agency proprietary or of an individual 12.28
operating under Agency cover, to notify the Internal Revenue
Service of such proprietary's or individual's affiliation 12.29
with the Agency and request that the audit be so conducted 12.30
as to avoid public disclosure of that affiliation; and 12.31

(6) to maintain liaison relationships with other 12.33
departments and agencies. 12.34

ADMISSION OF ESSENTIAL ALIENS

13.2

Sec. 324. Whenever the Director, the Attorney General, and 13.6
the Commissioner of Immigration determine that the entry of a 13.7
particular alien into the United States for permanent residence 13.8
is in the interest of national security or essential to national 13.9
intelligence activities, such alien and his immediate family 13.10
shall be given entry into the United States for permanent 13.11
residence without regard to their inadmissibility under, or their 13.12
failure to comply with, any immigration law of the United States
or any other law or regulation, but in no case may the number of 13.13
aliens and members of their immediate families who enter the 13.14
United States under the authority of this section exceed one 13.15
hundred in any one fiscal year. 13.16

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES 14.2

Sec. 325. (a) Notwithstanding any other provision of law, 14.6
 sums made available to the Agency by appropriation or otherwise 14.7
 may be expended for purposes necessary to carry out the lawful
 functions of the Agency. No funds may be expended for activities 14.8
 which have not been authorized by a law enacted during the same 14.9
 or immediately preceding fiscal year, except that this limitation
 shall not apply to funds appropriated by any continuing 14.10
 resolution. Such purposes may include --

(1) supplies, equipment, and personnel and 14.12
 contractual services otherwise authorized by law or 14.13
 regulation, when approved by the Director;

(2) training of Agency personnel and, as appropriate, 14.15
 personnel of other departments and agencies; 14.16

(3) personal services, including personal services 14.18
 without regard to limitations on types of persons to be 14.19
 employed, and rent within the United States and abroad;
 lease of buildings to the Government without regard to the 14.20
 limitations prescribed in section 322 of the Act entitled 14.21
 "An Act making appropriations for the Legislative Branch of
 the Government for the fiscal year ending June 30, 1933, and 14.22
 for other purposes", approved June 30, 1932 (40 U.S.C. 14.23
 278a); health-service programs as authorized by section 7901
 of title 5, United States Code; rental of news-reporting 14.24
 services; purchase or rental and operation of photographic
reproduction, cryptographic, duplication and printing 14.25
 machines, equipment, and devices, and radio-receiving and
radio-sending equipment and devices, including telegraph and 14.26

teletype equipment; purchase, maintenance, operation, 14.27
repair, and hire of passenger motor vehicles, aircraft, and 14.28
vessels of all kinds; subject to policies established by the
Director, transportation of officers and employees of the 14.29
Agency in Government-owned automotive equipment between 14.30
their domiciles and places of employment where such
personnel are engaged in work which makes such 14.31
transportation necessary, and transportation in such
equipment, to and from school, of children of Agency 14.32
personnel who have quarters for themselves and their
families at isolated stations outside the continental United 14.33
States where adequate public or private transportation is 14.34
not available; printing and binding; purchase, maintenance,
and cleaning of firearms, including purchase, storage, and 14.35
maintenance of ammunition; subject to policies established
by the Director, expenses of travel in connection with, and 14.36
expenses incident to attendance at meetings of professional, 14.37
technical, scientific, and other similar organizations when
such attendance would be a benefit in the conduct of the 14.38
work of the Agency; association and library dues; settlement 14.39
and payment of claims of civilian and military personnel, as
prescribed in Agency regulations consistent with the terms 14.40
and conditions by which claims are settled and paid under 14.41
the Military Personnel and Civilian Employees' Claims Act of
1964 (31 U.S.C. 240-243); acquisition, construction and 14.42
alteration of buildings and facilities without regard to the
Public Buildings Act of 1959 (40 U.S.C. 601-615); and 14.43
repair, rental, operation, and maintenance of buildings, 14.44
utilities, facilities, and appurtenances.

(b) Whenever the Director determines such action to be 14.46
necessary in the interest of the national security, the 14.47
expenditure of funds appropriated or transferred to the Agency
shall be accounted for solely on the certificate of the Director 14.48
and every such certificate shall be deemed a sufficient voucher 14.49
for the amount certified therein, but such expenditures may only 14.50
be for activities authorized by law. The Director shall report
on all expenditures made under authority of this subsection on a 14.51
quarterly basis to the Committees on Appropriation of the Senate 14.52
and House of Representatives, to the Permanent Select Committee 14.53
on Intelligence of the House of Representatives, and to the
Select Committee on Intelligence of the Senate. 14.54

(c) (1) The Director is authorized to establish and 14.56
maintain a fund to be known as the Contingency Reserve Fund 14.57
(hereinafter in this section referred to as the "Reserve
Fund") and to credit to such Reserve Fund only monies 14.58
specifically appropriated to the Central Intelligence Agency
for such fund. The Director is authorized to expend funds 14.59
from the Reserve Fund in any fiscal year for the payment of 14.60
expenses incurred in connection with any national 14.61
intelligence activity, counterintelligence activity, or
counterterrorism activity if--

(A) the withdrawal of funds from the Reserve 14.63
Fund and the proposed expenditure have been previously
approved by the Office of Management and Budget; 14.64

(B) the Committee on Appropriations of the 14.66
House of Representatives, the Committee on
Appropriations of the Senate, the Permanent Select
Committee on Intelligence of the House of

Representatives, and the Select Committee on 14.67
Intelligence of the Senate have been notified of the 14.68
facts and circumstances regarding such withdrawal and 14.69
proposed expenditure at least 72 hours in advance of
the withdrawal; except that in extraordinary 14.70
circumstances the President may authorize the 14.71
withdrawal of funds from the Reserve Fund without 14.72
prior notification to the appropriate committees of
the Congress if the President notifies such committees 14.73
of the Congress within 48 hours after initiation of 14.74
the withdrawal, describes the activity for which such 14.75
funds have been or are to be expended, certifies to 15.1
such committees that prior notification would have 15.2
resulted in a delay which would have been harmful to 15.3
the United States, and discloses to such committees 15.4
the reasons why the delay would have been harmful.
The foregoing shall not be construed as requiring the 15.5
approval of any committee of the Congress prior to the 15.6
initiation of any such activity; and 15.7

(C) the money from the Reserve Fund is used 15.9
solely for the purpose of meeting requirements that 15.10
were not anticipated at the time the President's 15.11
budget was submitted to the Congress for such fiscal
year, the purpose for which such money was used 15.12
requires protection from unauthorized disclosure, and 15.13
the activities to be funded are authorized by law. 15.14

(2) Monies from the Reserve Fund may be expended only 15.16
for the specific purpose for which the withdrawal was 15.17
approved under this subsection and any amount approved for 15.18

expenditure but not actually expended for the specific 15.19
purpose for which approved shall be returned to the Reserve 15.20
Fund.

(3) No money may be expended and no financial 15.22
obligation incurred for the initiation or major expansion of 15.23
any activity to be funded from the Reserve Fund unless such
expenditure or financial obligation has been approved by the 15.24
Director and the Director of the Office of Management and 15.25
Budget;

(4) Any activity funded from the Reserve Fund that 15.28
continues after the end of the fiscal year in which it was
funded by monies from the Reserve Fund shall be funded 15.29
thereafter through the regular budgetary process at the 15.30
earliest practicable time.

GENERAL COUNSEL; INSPECTOR GENERAL

16.2/1

Sec. 326. (a) There shall be a General Counsel of the 16.8
Agency appointed by the President, by and with the advice and 16.9
consent of the Senate. The General Counsel shall serve as the
principal legal adviser to the Director and shall, in addition to 16.10
the duties assigned to the General Counsel of each entity of the 16.11
Intelligence Community by section ___ of this Act, have the 16.12
responsibility and authority to--

(1) review all activities of the Agency and advise 16.14
the Director whether such activities are in conformity with 16.15
the Constitution and laws of the United States, executive 16.16
orders, presidential directives and memoranda, and the
rules, regulations, and policies of the Agency; 16.17

(2) review all proposed rules and regulations of the 16.19
Agency, including but not limited to any rule or regulation 16.20
proposed to implement the provisions of this Act, to insure 16.21
that any such rule or regulation is in conformity with the
Constitution and laws of the United States, executive 16.22
orders, and presidential directives and memoranda; and 16.23

(3) perform such additional duties as the Director 16.25
may prescribe. 16.26

(b) There shall be an Inspector General of the Agency 16.28
appointed by the Director. The Inspector General shall, in 16.29
addition to the duties assigned to the Inspector General of each 16.30
entity of the Intelligence Community by section ___ of this Act,
have the responsibility and authority to-- 16.31

(1) investigate all activities of the Agency to 16.33
determine in what respects the Agency may more effectively 16.34

perform its lawful functions and to determine the facts and 16.35
circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of 16.37
the Agency of his findings regarding such activities; 16.38

(3) perform such other investigations as the Director 16.40
deems necessary and appropriate subject to the provisions of 16.41
this Act; and

(4) perform such other duties as the Director may 16.43
prescribe. 16.44

(c) Section 5315 of title 5, United States Code, is 16.55
amended by adding at the end thereof: 16.56

"General Counsel, Central Intelligence Agency. 16.60
Inspector General, Central Intelligence Agency."-

PART D

17.3

CONFLICTS OF INTEREST; CRIMINAL
PENALTIES; RESTRICTIONS

17.5

17.6

CONFLICTS OF INTEREST

17.9

Sec. 331. Officers and employees of the Agency shall be 17.13
subject to all laws, regulations, Executive orders and directives 17.14
relating to conflicts of interest and the misuse of information 17.15
obtained in the course of their official duties, and the 17.16
Director, subject to policy guidance of the Attorney General, 17.17
shall issue regulations necessary to implement such laws,
regulations, Executive orders and directives. Notwithstanding 17.18
the foregoing sentence, the Director is authorized to waive the 17.19
application of any such law, regulation, Executive order or 17.20
directive when the Director deems such action necessary because
of the unique function and mission of the Agency, but such a 17.21
waiver may be granted by the Director in any case only with the 17.22
written approval of the Attorney General and only after the 17.23
Director has notified the Permanent Select Committee on
Intelligence of the House of Representatives and the Select 17.24
Committee on Intelligence of the Senate that such waiver is to be
made and the reasons therefor. 17.25

CRIMINAL PENALTIES

18.2

Sec. 332. (a) Section 207 of title 18, United States Code, is amended by adding at the end thereof a new subsection as follows:

18.6

18.7

"(d) Whoever, having been an officer or employee of the Central Intelligence Agency and within two years after his employment with such Agency has ceased, knowingly participates in the liquidation, sale, or other disposition of a proprietary of the Central Intelligence Agency, either on his own behalf or as an agent or attorney for anyone other than the United States without a written waiver from the Director of the Central Intelligence Agency under section 331 of the Central Intelligence Agency Act of 1978, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both. As used in this subsection, the term 'proprietary' shall have the same meaning as prescribed in section 303 of the Central Intelligence Agency Act of 1978."

18.9

18.10

18.11

18.12

18.13

18.14

18.15

18.16

18.17

18.18

(b) (1) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

18.20

18.21

"Section 716. Misuse of the name, initials, or seal of the Central Intelligence Agency

18.24

18.25

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in

18.28

18.29

18.30

18.31

connection with any advertisement, book, circular, 18.32
pamphlet, or other publication, play, motion picture, 18.33
broadcast, telecast, or other production in a manner
reasonably calculated to convey the impression that 18.34
such use is approved, endorsed, or authorized by the 18.35
Central Intelligence Agency shall be fined not more 18.36
than \$20,000 or imprisoned not more than one year, or
both.".

(2) The table of sections at the beginning of 18.38
chapter 33 of such title is amended by adding at the end 18.39
thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the _ 18.43
Central Intelligence Agency.".

(c) (1) Chapter 115 of title 18, United States Code, is 18.46
amended by adding at the end thereof a new section as 18.47
follows:

"Section 2392. Unauthorized disclosure of identity 18.50
of secret agents. 18.51

"(a) Any person who, having learned in the 18.54
course of his official duties as an officer or 18.55
employee of the United States the true identity of any 18.56
officer or employee of the Central Intelligence Agency 18.57
who is performing lawful functions for the Central
Intelligence Agency under cover, knowingly 18.58
communicates, furnishes, or otherwise discloses or
makes available to any unauthorized person that 18.59
identity in a manner which results in injury to or
jeopardizes the safety of such officer or employee of 18.60
the Central Intelligence Agency, or could reasonably 18.61
have been expected to result in injury to or

jeopardize the safety of such officer or employee of 18.62
the Central Intelligence Agency, shall be fined not
more than \$50,000 or imprisoned not more than five 18.63
years, or both.

"(b) As used in subsection (a), the term 18.65
'cover' shall have the same meaning as prescribed in 18.66
section 303 of the Central Intelligence Agency Act of 18.67
1978."

(2) The table of sections at the beginning of 18.69
chapter 115 is amended by adding at the end thereof a new 18.70
item as follows:

"2392. Unauthorized disclosure of identity of secret 18.72
agents."

RESTRICTIONS

19.2

Sec. 333. (a) The authorities, duties, and 19.6
responsibilities established in this title are subject to the 19.7
procedures, prohibitions, and restructions contained in title II
and in sections 131 through 139 of this Act. 19.8

(b) The Agency shall have no police, subpoena, or law 19.10
enforcement powers, nor perform any internal security or criminal 19.11
investigation functions except to the extent expressly authorized 19.12
by this Act.

| | |
|---|---|
| PART E | 20.3 |
| TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM | 20.5 |
| TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL | 20.9 20.10 |
| Sec. 341. (a) As used in this section -- | 20.15 |
| (1) The term "employee" means any person employed by the Agency, but does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located. | 20.17 20.18 20.19 20.20 20.21 |
| (2) The term "foreign area" means any geographic area outside the United States. | 20.23 20.24 |
| (3) The term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone, but does not include Guam and other territories and possessions of the United States. | 20.26 20.27 20.28 20.29 20.30 |
| (b) Under such regulations as the Director of National Intelligence shall approve -- | 20.32 20.33 |
| (1) with respect to employees assigned to duty stations within the United States, the Agency may pay: | 20.35 20.36 |
| (A) travel, transportation, and subsistence expenses comparable with and provided by the provisions of chapter 57 of title 5, United States Code, and | 20.38 20.39 20.40 |

(B) allowances in accordance with the 20.42
provisions of chapter 59 of title 5, United States 20.43
Code. 20.43

(2) with respect to employees assigned to duty 20.45
stations in any foreign area, the Agency may provide 20.46
allowances in accordance with the provisions of chapter 59 20.47
of title 5, United States Code, allowances and other 20.48
benefits in the same manner and under the same circumstances
such allowances and other benefits are provided employees of 20.49
the Foreign Service under title IX of the Foreign Service 20.50
Act of 1946 (22 U.S.C. 1131-1158), and death gratuities in 20.51
the same manner and under the same circumstances such 20.52
gratuities are provided employees of the Foreign Service 20.53
under section 14 of the Act entitled "An Act to provide
certain basic authority for the Department of State", 20.54
approved August 1, 1956 (22 U.S.C. 2679a). 20.55

(c) (1) Whenever any provision of law relating to travel 20.57
and related expenses or death gratuities of employees of the 20.58
Foreign Service is enacted after the date of enactment of 20.59
this Act, is not enacted as an amendment to one of the
provisions referred to in subsection (b) (2) of this section,
and the President determines that it would be appropriate 20.60
for the purpose of maintaining conformity between provisions 20.61
of law relating to travel and related expenses and death 20.62
gratuities of the Foreign Service and provisions of law 20.63
relating to travel and related expenses and death gratuities
of employees of the Agency, the President may, by Executive 20.64
order, extend in whole or in part to employees of the Agency 20.65

the allowances and benefits applicable to employees of the 20.66
Foreign Service by such provision of law.

(2) Any such Executive order issued pursuant to this 20.68
subsection shall have the force and effect of law and may be 20.69
given retroactive effect to a date not earlier than the 20.70
effective date of the corresponding provisions of law 20.71
relating to Foreign Service personnel. Any such order shall 20.72
modify, supersede, or render inapplicable, as the case may 20.73
be, to the extent inconsistent therewith --

(A) all provisions of law relating to travel, 21.1
related expenses, and death gratuities of employees of 21.2
the Agency enacted prior to the effective date of the 21.3
provisions of such Executive order, and 21.4

(B) any provision of any prior Executive order 21.6
issued under authority of this section. 21.7

(3) An Executive order issued under the authority of 21.9
this subsection may not become effective until the 21.10
expiration of at least 60 days after the President submits 21.11
the proposed order to those committees of the Senate and
House of Representatives having jurisdiction over the 21.12
subject matter of the order. 21.13

(d) (1) Notwithstanding the provisions of subsections (b) 21.15
and (c), and under such regulations as the Director of 21.16
National Intelligence shall approve, the Agency may pay 21.17
expenses, benefits, and allowances equivalent to those
specifically authorized in subsections (b) and (c), in any 21.18
case in which the Director determines that, for reasons of
operational necessity or security, the means of paying 21.19

expenses, benefits, and allowances authorized in subsections

(b) and (c), shall not be utilized. 21.20

(2) The Director shall annually inform the Permanent 21.22

Select Committee on Intelligence of the House of 21.23

Representatives and the Select Committee on Intelligence of 21.24

the Senate of any expenditures made under this subsection 21.25

and the reasons therefor.

RETIREMENT SYSTEM

22.2

Sec. 342. Employees of the Agency shall participate in the 22.6
regular Federal civil service retirement system pursuant to 22.7
subchapter III of chapter 83 of title 5, United States Code. The 22.8
Director may, however, continue to designate for participation in 22.9
the Central Intelligence Agency Retirement and Disability System, 22.10
authorized by the Central Intelligence Agency Retirement Act of 22.11
1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note),
certain employees of the Agency whose duties are either (1) in 22.12
support of Agency activities abroad and are highly hazardous to 22.13
life or health or (2) so specialized as to be clearly
distinguishable from normal government employment; but the number 22.14
of employees of the Agency which may retire on an annuity under 22.15
such system in any period may not exceed the limits prescribed by
law.

PART F

23.3

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;
STATUTES REPEALED

23.5

23.6

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

23.9

Sec. 351. (a) All positions established in and personnel

23.13

employed by the Central Intelligence Agency as in effect on the

23.14

day before the effective date of this title, and all obligations,

23.15

contracts, properties, and records employed, held, or used

primarily in connection with any function to be performed by the

23.16

Agency under this title, are transferred to the Director.

23.17

(b) All orders, determinations, rules, regulations,

23.19

permits, contracts, gertificates, licenses, and privileges which

23.20

have become effective in the exercise of functions transferred

23.21

under this title and which are in effect on the day before the

23.22

effective date of this title, shall continue in effect until

23.23

modified, terminated, superseded, set aside, or repealed by the

23.24

Director or other properly designated Agency official, by any

court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any

23.26

proceedings pending before the Central Intelligence Agency as in

23.27

effect prior to the effective date of this title.

23.28

(d) No suit, action, or other proceeding begun by or

23.30

against any officer in his official capacity in the Central

23.31

Intelligence Agency, as in effect prior to the effective date of

23.32

this title, shall abate by reason of enactment of this title.

23.33

(e) With respect to any function transferred by this title

23.35

and exercised after the effective date of this title, reference

23.36

in any other federal law to any department, agency, office, or

23.37

part thereof shall be deemed to refer to the department, agency,

23.38

or office in which such function is vested pursuant to this
title.

23.39

STATUTES REPEALED

24.2

Sec. 352. Section 102 of the National Security Act of 1947 24.7
(50 U.S.C. 403) and the Central Intelligence Agency Act of 1949
(50 U.S.C. 403a-403j) are repealed. 24.8

* This title is now designated "Title III."
The new table of contents appears below:

TITLE III -- CENTRAL INTELLIGENCE AGENCY

TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|------------------|
| PART A, SHORT TITLE; PURPOSE; DEFINITIONS----- | 1 |
| SHORT TITLE, Sec. 301----- | 1 |
| STATEMENT OF PURPOSES, Sec. 302----- | 2 |
| DEFINITIONS, Sec. 303----- | 3 |
| PART B, ESTABLISHMENT OF AGENCY; DIRECTOR; FUNCTIONS----- | 4 3 |
| ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY, Sec. 311----- | 4 3 |
| DIRECTOR; DUTIES OF DIRECTOR, Sec. 312----- | 5 4 |
| FUNCTIONS, Sec. 313----- | 6 |
| PART C, GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL AND INSPECTOR GENERAL----- | 9 |
| GENERAL AUTHORITIES OF THE AGENCY, Sec. 321----- | 9 |
| PROCUREMENT AUTHORITY, Sec. 322----- | 15 14 |
| RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES, Sec. 323----- | 17 15 |
| ADMISSION OF ESSENTIAL ALIENS, Sec. 324----- | 19 16 |
| AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES, Sec. 325----- | 20 17 |
| GENERAL COUNSEL; INSPECTOR GENERAL, Sec. 326----- | 25 21 |
| PART D, CONFLICTS OF INTEREST; CRIMINAL PENALTIES; RESTRICTIONS----- | 27 23 |
| CONFLICTS OF INTEREST, Sec. 331----- | 27 23 |
| CRIMINAL PENALTIES, Sec. 332----- | 28 24 |
| RESTRICTIONS, Sec. 333----- | 31 26 |
| PART E, TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM----- | 32 27 |
| TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL, Sec. 341----- | 32 27 |
| RETIREMENT SYSTEM, Sec. 342----- | 36 29 |
| PART F, TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS; STATUTES REPEALED----- | 37 30 |
| TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS, Sec. 351----- | 37 30 |
| STATUTES REPEALED, Sec. 352----- | 39 30 |

STATEMENT OF PURPOSES

2.2

Sec. ³102. It is the purpose of this Act--

2.6

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

2.7/1

2.11

(2) to authorize the Central Intelligence Agency to

2.13

~~perform these foreign intelligence, counterintelligence, and~~

2.14

~~counterterrorism~~ activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States:

2.15

(3) to ensure that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

2.17

2.18

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United

2.24

2.24/1

2.24/2

2.28

2.29

States and so as not to abridge any right guaranteed ~~or~~

~~protected by the~~ ^{protected by the} Constitution or laws of the United States.

2.30

DEFINITIONS

3.2

Sec. ³103. (a) Except as otherwise provided in this 3.6
section, the definitions in Title I, ~~the National Intelligence~~ 3.7
~~Act of 1977~~, shall apply to this title.

(b) As used in this title-- 3.9

(1) The term "cover" refers to any means by which the 3.13
true intity or affiliation with the Central Intelligence 3.14
Agency of an activity, officer, employee, or agent of the 3.15
Central Intelligence Agency, or of a related corporation or
organization is disguised or concealed.

(2) The term "proprietary" means a sole 3.18
proprietorship, partnership, corporation or other business 3.19
entity owned or controlled by the Central Intelligence
~~Agency and doing business under private commercial cover.~~ 3.20
but whose relationship with the Central Intelligence
Agency is not publicly known.

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR;
FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 211. There is established an Agency to be known as
the Central Intelligence Agency (hereinafter in this title
referred to as the "Agency"). The Agency shall be under the
direction and control of the National Security Council.

DIRECTOR

~~DIRECTION OF THE CIA; DUTIES OF THE DIRECTOR~~

4.2

312
Sec. ~~404.~~

~~(a) The Central Intelligence Agency (hereinafter~~ 4.6

~~in this title referred to as the "Agency"), as established by the~~ 4.7

~~National Security Act of 1947, shall be under the direction and~~ 4.8

~~control of the National Security Council.~~

^a
~~(a)~~

There shall be at the head of the Agency a Director of 4.10

the Central Intelligence Agency (hereinafter in this title 4.11

referred to as the "Director"). The Director of National 4.12

Intelligence, or, in accordance with section 11¹ of this Act, the 4.13

Deputy Director of National Intelligence or an Assistant Director 4.14

of National Intelligence, shall act as the Director. In the 4.15

event that the Director and the Director of National Intelligence 4.16

are not one and the same person, the Director shall be subject to 4.17

the supervision of, and responsive to intelligence plans, 4.18

objectives, and requirements established by, the Director of 4.19

National Intelligence. 4.20

^b
~~(a)~~

It shall be the duty of the Director to -- 4.21

(1) ensure that the functions of the Agency are 4.22

performed in conformity with the Constitution and laws of 4.23

the United States, and that the performance of those 4.24

functions does not abridge any right guaranteed ~~or protected~~ 4.25

^{protected by the}
by the Constitution or laws of the United States; 4.26

(2) ensure that the activities of the Agency are 4.27

properly and efficiently directed, regulated, coordinated, 4.28

and administered; and 4.29

(3) perform the duties assigned elsewhere in this Act 4.30

to the head of each entity of the Intelligence Community. 4.31

~~(d) (1) The Director is authorized to establish such~~ 4.32

~~committees or boards, composed of officers and employees of~~ 4.33

~~the United States, as may be necessary to carry out~~ 4.34

~~effectively the provisions of this title.~~

~~(2) The Director is also authorized to establish such~~ 4.35

~~advisory committees as may be necessary to provide expert~~ 4.36

~~advice regarding the administration of this title. The~~ 4.37

~~provisions of the Federal Advisory Committee Act (36 Stat.~~ 4.38

~~770) shall apply with respect to any advisory committee~~ 4.39

~~established by the Director under authority of this section~~
~~except that the Director may waive the application of any or~~ 4.43
~~all of the provisions of such Act when the Director deems~~ 4.44
~~such action necessary to the successful performance of the~~ 4.45
~~functions of the Agency or to protect the security of the~~ 4.46
~~activities of the Agency. Any waiver exercised by the~~ 4.47
~~Director under this subsection shall be reported to the~~ 4.48
~~committees of the Congress having jurisdiction over matters~~
~~relating to foreign intelligence activities and the names of~~ 4.49
~~all persons appointed to serve on such advisory committees~~ 4.50
~~shall be reported to such committees of the Congress~~ 4.51
~~(e) Notwithstanding any other provision of law, the~~ 4.53
~~Director may terminate the employment of any officer or employee~~ 4.54
~~of the Central Intelligence Agency whenever the Director~~ 4.55
~~considers such termination necessary or advisable in the~~ 4.56
~~interests of the national security of the United States. The~~
~~Director shall report to the Permanent Select Committee on~~ 4.57
~~Intelligence of the House of Representatives and the Select~~ 4.58
~~Committee on Intelligence of the Senate, in a timely manner, any~~ 4.59
~~exercise of the Director's authority under this paragraph. The~~ 4.60
~~termination of the employment of any officer or employee under~~
~~authority of this paragraph shall not affect the right of such~~ 4.61
~~officer or employee to seek or accept employment elsewhere in the~~ 4.62
~~Government if declared eligible for such employment by the United~~ 4.63
~~States Civil Service Commission.~~ (this provision is now found
in section 313 [E])

FUNCTIONS

5.2

313
Sec. 405. (a) All activities, duties, and responsibilities 5.6
of the Agency shall be related to the intelligence functions set 5.7
out in this section, and shall be performed in accordance with 5.8
this Act.

(b) The Agency shall ^{with respect to the collection of} collect foreign intelligence, -- 5.10
~~including --~~ 5.11

(1) ~~The collection of~~ foreign intelligence from 5.13
publicly available sources and from any person willing 5.14
voluntarily to provide such intelligence; 5.15

(2) ~~When the information sought is not publicly~~ 5.17
~~publicly or from a person willing voluntarily to provide the information,~~ 5.18
~~available, the collection of~~ foreign intelligence by

clandestine means abroad and, when integrally and 5.19
exclusively related to Agency activities outside the United 5.20
States, from foreign persons within the United States; and

(3) ~~The development and provision of~~ ^{provide} support for 5.22
technical and other programs which collect national 5.23
intelligence ~~abroad, from sources outside the United States.~~

(c) The Agency shall produce, analyze and disseminate 5.24/1
foreign intelligence necessary to meet the needs of the 5.24/2
President, the National Security Council, the Congress and other 5.27
departments and agencies ~~of the Government~~, and shall provide
such support as the Director of National Intelligence requires 5.28
for the production of national intelligence estimates and similar 5.29
Intelligence Community-coordinated analyses. 5.30

(d) The Agency shall conduct special activities in support 5.32
of national foreign policy objectives. 5.33

(e) The Agency shall ~~conduct counterintelligence and~~ 5.35
~~counterterrorism activities, including --~~ 5.36

(1) ~~The conduct of~~ counterintelligence and 5.38
counterterrorism activities outside the United States; 5.39

(2) ~~The conduct of~~ such counterintelligence and 5.41
counterterrorism activities within the United States as are 5.42
integrally related to counterintelligence or 5.43
counterterrorism activities of the Agency outside the United 5.44
States; and

~~(3) The coordination of counterintelligence and~~ 5.46
~~counterterrorism activities outside the United States by any~~ 5.47
~~other entity of the intelligence community; and~~ 5.48
³
~~(4) The production and dissemination of~~ 5.50
counterintelligence and counterterrorism studies and 5.51
reports.
The Agency shall act as the Director of National Intelligence's
(f) ~~The Agency shall, under the directions and control of~~ 5.53
~~agent in the coordination of all counterintelligence and counterterrorism~~
~~the Director of National Intelligence, coordinate all collection~~ 5.54
~~activities, and of all clandestine collection of foreign intelligence, including~~
~~outside the United States of foreign intelligence,~~ 5.55
~~collection utilizing human sources, conducted outside the United States~~
~~counterintelligence, and counterterrorism intelligence by~~ 5.56
~~by any other entity of the Intelligence Community.~~
~~clandestine means utilizing human sources.~~
(g) The Agency shall also -- 5.59
(1) Conduct or contract for research, development, 5.61
and procurement of technical systems and devices relating to 5.62
authorized functions;
(2) Conduct services of common concern for the 5.64
Intelligence Community as directed by the Director of 5.65
National Intelligence;
(3) Conduct such liaison with foreign governmental 5.67
agencies ^{in coordination with} ~~as may be authorized by~~ the Director of National 5.68
Intelligence; and
^{and audit}
(4) Provide legal, ~~and~~ legislative services and other 5.70
administrative support to the Office of the Director of 5.71
National Intelligence.
(h) (1) All Agency activities within the United States 5.73
involving the collection of intelligence and all Agency 5.74
counterintelligence and counterterrorism activities within 5.75
the United States shall be conducted in coordination with 6.1
the Federal Bureau of Investigation and in accordance with 6.2
procedures agreed upon by the Attorney General and the 6.3
Director of National Intelligence.
(2) The Director of National Intelligence and the 6.5
Attorney General shall conduct a review, at least annually, 6.6
of all Agency activities within the United States for the 6.7
purpose of ensuring that such activities do not violate any 6.8
right guaranteed ~~or protected~~ ^{protected by the} by the Constitution or laws of 6.9

the United States, determining the necessity for continuing 6.10
such activities, and making ^{Such} recommendations ^{in this regard as they deem} to the ^{appropriate} 6.11
President, the National Security Council, and the
Permanent Select Committee of the House of Representatives 6.12
~~appropriate committees of the Congress.~~
and the Select Committee on Intelligence of the Senate.

GENERAL AUTHORITIES OF THE AGENCY

Sec. ³²¹~~406~~ (a) In carrying out its functions under this 7.6

Act, the Agency is authorized to-- 7.7

(1) transfer to and receive from other departments 7.9
and agencies for the sole purpose of carrying out functions 7.10
authorized by this title, such sums of money as may be 7.11
approved by the Director of National Intelligence and the 7.12
Director of the Office of Management and Budget, and sums so 7.15
transferred to the Agency may be expended by the Agency
without regard to ^{any} limitations on appropriations from which 7.16
transferred but only when the Director certifies in writing 7.17
that such limitation would unduly impede the performance of 7.18
a function authorized by this title and transmits such 7.19
written certification to the appropriate committees of the 7.20
Congress;

(2) exchange funds without regard to the provisions 7.22
of section 3651 of the Revised Statutes (31 U.S.C. 543); 7.23

(3) reimburse other departments and agencies for the 7.25
services of personnel assigned or loaned to the Agency; 7.26

(4) reimburse other departments and agencies for 7.28
expenses incurred when Agency personnel are assigned to such 7.29
departments and agencies for cover purposes; 7.30

(5) rent any premises necessary to carry out any 7.32
function of the Agency authorized under this Act, and make 7.33
alterations, improvements, and repairs to premises of, or
rented by, the Agency ^{as may be necessary} without regard to any limitation 7.35
prescribed by law if the Director (A) ^{expressly waives such} ~~certifies to the~~ 7.36

~~Director of National Intelligence that a waiver of the~~
limitation otherwise applicable to the renting, alteration, 7.37
improvement, or repair, ^{after a finding that such waiver} as the case may be, of premises ^{is} 7.38
necessary to the successful performance of the Agency's 7.39
functions or the security of its activities, and (B)
promptly notifies the ^{HPSCI and the SSCI} ~~committees of Congress having~~ 7.40
~~jurisdiction over the Agency of the waiver and of the~~ 7.41
reasons for exercising such waiver;

(6) conduct background investigations of applicants for
employment with the Agency;

this
revision
is now
found in
(1), below)

- ~~(6) appoint such personnel as it deems advisable,~~ 7.43
~~without regard to the provisions of title 5, United States~~ 7.44
~~Code, governing appointments in the competitive services,~~ 7.45
~~and fix the compensation of such personnel without regard to~~ 7.46
~~the provisions of chapter 51 and subchapter III of chapter~~
~~53 of that title, relating to classification and General~~ 7.47
~~Schedule pay rates, but at rates not in excess of the rate~~ 7.48
~~authorized for GS-18 by section 5332 of that title;~~ 7.49
- (7) establish, maintain, and operate secure 7.51
communications systems in support of Agency operations and, 7.52
as a service of common concern, establish, maintain, and
operate such secure communications systems as may be 7.53
required for the use of other departments and agencies; 7.54
- (8) perform inspection, audit, public affairs, legal, 7.55/1
and legislative services; 7.55/2
- (9) establish, furnish, and maintain secure cover for 7.56
Agency officers, employees, and agents; ~~The Agency may not~~ 7.57
~~use for these purposes an affiliation, real or ostensible,~~ 7.58
~~with any United States religious organization, any United~~
~~States media organization, any United States charitable or~~ 7.59
~~educational foundation, any United States university or~~ 7.60
~~college, with the Peace Corps or any United States~~
~~Government program designed to promote education, the arts,~~ 7.60/1
~~humanities, or cultural affairs;~~
- (10) establish and operate proprietaries to support 7.67
Agency operations; 7.68
- (11) protect, in accordance with standards 7.69/1
established by the Director of National Intelligence under 7.69/2
section 108(1) and with any other applicable ^{statute} law, or 7.69/3
Executive order, materials and information related to 7.69/4
intelligence sources and methods; and
- (12) perform such additional functions as are 7.69/6
^{to be performed by}
otherwise authorized by this Act ~~for~~ each entity of the 7.69/7
Intelligence Community:
- (b) Notwithstanding the provisions of section 3678 of the 7.71
Revised Statutes (31 U.S.C. 629) or any provision of law enacted 7.72

after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money approved ^{in accordance with subsection (a)(1) above,} by the Director of National Intelligence and the Director of the Office of Management and Budget for use in carrying out any function authorized by this title.

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign or loan to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any function of the Agency authorized by this title. In any case in which any officer or employee of another department or agency is assigned or loaned to the Agency in a manner that would be prohibited except for this subsection, the Agency shall report the details of such assignment or loan to the appropriate committees of the Congress.

(d) (1) Any proprietary established and operated by the Agency may be operated on a commercial basis to the extent necessary to provide effective cover. Any funds generated by any such proprietary in excess of the amount necessary for its normal operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.

(2) Whenever any Agency proprietary whose net value exceeds \$50,000, is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition of the proprietary as practicable and subject to such security standards as the Director and Attorney General shall agree upon, report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and the Comptroller General of the United States. Any proceeds from any liquidation, sale, or other disposition of any Agency ,after all obligations of the proprietary have been met, proprietary, in whatever amount, shall be deposited by the Director into miscellaneous receipts of the Treasury.

(e) The authority contained in clauses (9) and (10) of ,except as otherwise provided in this Act, subsection (a) shall be available to the Agency notwithstanding any other provision of law and shall not be modified, limited,

suspended, or superseded by any provision of law enacted after 8.34
the effective date of this title unless such provision expressly 8.35
cites the specific provision of subsection (a) intended to be so
modified, limited, suspended, or superseded. 8.36

(f) The Agency may continue to use the seal of office used 8.38
by the Central Intelligence Agency prior to the effective date of 8.39
this title and judicial notice shall be taken of such seal. 8.40

(g) Subject to the provisions of section 125(a) of this 8.42
Act, no provision of law shall be construed to require the 8.43
Director or any other officer or employee of the United States to 8.44
disclose the organization, function, name, official title,
salary, or affiliation with the Central Intelligence Agency of 8.45
any person employed by the Agency, or the number of persons 8.46
employed by the Agency, unless such provision specifically 8.47
requires such disclosure and expressly cites this section.

(h)* The Director may appoint and assign security officers 9.52
to police the installations and grounds of the Agency, where such 9.53
security officers shall have the same powers as sheriffs and
constables for the protection of persons and property, to prevent 9.54
breaches of the peace, to suppress affrays or unlawful 9.55
assemblies, and to enforce any rule or regulation the Director
may promulgate for the protection of such installations and 9.56
grounds. The jurisdiction and police powers of such security 9.57
officers shall not, however, extend to the service of civil 9.58
process.

(i)* The Director may authorize employees of the Agency to 9.60
carry firearms within the United States for courier protection 9.61
purposes, for the protection of the Director of National
Intelligence, the Deputy Director of National Intelligence, and 9.62
any Assistant Director of National Intelligence, and, in exigent
circumstances, such officials of the Agency as the Director may 9.63
designate, and for the protection of any defector from any 9.64
foreign country or any foreign person visiting the United States
under Agency auspices.

* paragraphs (h) and (i) are added from
earlier draft of Title II, with slight
modifications.

(1) appoint and separate such personnel as it deems 9.66
advisable, without regard to the provisions of title 5, 9.67
United States Code, governing appointments to and
separations from the competitive services, and fix the 9.68
compensation of such personnel without regard to the 9.69
provisions of chapter 51 and subchapter III of chapter 53 of 9.70
that title, relating to classification and General Schedule
pay rates, but at rates not in excess of the rate authorized 9.71
for Executive Schedule V by section 5315 of that title; 9.72

(2) Notwithstanding any other provision of law, the 9.74
Director may terminate the employment of any officer or 9.75
employee of the Central Intelligence Agency whenever the 10.1
Director considers such termination necessary or advisable
in the interests of the national security of the United 10.2
States. The Director shall report to the Permanent Select 10.3
Committee on Intelligence of the House of Representatives 10.4
and the Select Committee on Intelligence of the Senate, in a 10.5
timely manner, any exercise of the Director's authority
under this paragraph.

(3) Executive schedule positions within the Agency 10.7
in addition to those of Director, General Counsel, and 10.8
Inspector General and any positions in the grades of GS-16, 10.9
GS-17, and GS-18 other than those transferred to the Agency 10.10
under this Act shall be as authorized by law.

(4) Any Agency officer or employee who has been 10.12
separated under paragraph (1) or whose employment has been 10.13
terminated under paragraph (2) may seek or accept employment 10.14
by the Government if declared eligible for such employment
by the United States Civil Service Commission, and that 10.15
Commission may move such officer or employee to a position 10.16
in the competitive civil service in the same manner as an 10.17
employee is transferred between two positions in the
competitive service, provided that such Agency officer or 10.18
employee must have served with the Agency for at least one 10.19
year continuously immediately preceding separation or
termination. 10.20

(new
language
is under-
lined)

(new
language
is under-
lined)

PROCUREMENT AUTHORITY

9.2

322
Sec. 407.

(a) The Agency is authorized to procure such

9.6

property, services, equipment and facilities as may be necessary

9.7

to carry out its functions under this title. The provisions of

9.8

chapters 137 and 139 of title 10, United States Code, relating to

9.9

the procurement of property, services, and research and

development activities, shall apply to the procurement of

9.10

property and research and development activities by the Agency

9.11

under this title in the same manner and to the same extent such

chapters apply to the procurement of property, services, and

9.12

research and development activities by the agencies named in

9.13

section 2302(a) of chapter 137 of title 10, except that the

9.14

Director is authorized to waive the application of any or all of

9.16

the provisions of chapters 137 and 139 of title 10 when the

Director deems such action necessary to the successful

9.17

performance of any function of the Agency or to protect the

security of activities of the Agency. Any waiver exercised by

9.18

the Director under this section shall be reported to the

9.19

~~HPSCI and the SSCI together~~
~~committees of the Congress having jurisdiction over the Agency~~

~~together~~ with the reasons for exercising such waiver.

9.20

(b) The Agency is further authorized to procure property,

9.22

on the Agency's own behalf or on behalf of any other entity of the IC,

goods, or services, in such a manner that the role of the Agency

9.23

is not apparent or publicly acknowledged, if public knowledge that

9.24

the Agency is the procurer of the property, goods, or services

will inhibit or interfere with the secure conduct of an

9.25

authorized intelligence Agency function. The procurement authority provided

9.26

under this subsection may be exercised by the Agency

notwithstanding any other provision of law and shall not be

9.27

modified, limited, suspended, or superseded by any provision of

law enacted after the effective date of this title unless such

9.28

provision expressly cites this subsection.

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES *

12.2

Sec. 323. In addition to those activities of the Agency 12.6
which relate to other departments and agencies and which are 12.7
authorized in other provisions of this Act, the Agency is further 12.8
authorized--

(1) to seek assistance from state and local law 12.10

enforcement agencies in the conduct of background and 12.11

security investigations of applicants for employment with

the Agency, employees and contractors of the Agency, and 12.12

other persons similarly associated with the Agency; 12.13

(2) to provide technical guidance, training, and 12.15

equipment to any other entity of the Intelligence Community 12.16

engaged in lawful intelligence activities;

(3) to provide technical information to assist the 12.18

Passport Office of the Department of State in carrying out 12.19

its documentation responsibilities;

(4) when extraordinary circumstances indicate that a 12.21

foreign person associated with the Agency should enter or 12.22

leave the United States under other than such person's true 12.23

identity, to notify the Immigration and Naturalization

Service of those circumstances and request a waiver of 12.24

otherwise applicable rules and procedures; 12.25

(5) when the Internal Revenue Service is auditing 12.27

the tax returns of an Agency proprietary or of an individual 12.28

operating under Agency cover, to notify the Internal Revenue

Service of such proprietary's or individual's affiliation 12.29

with the Agency and request that the audit be so conducted 12.30

as to avoid public disclosure of that affiliation; and 12.31

(6) to maintain liaison relationships with other 12.33

departments and agencies. 12.34

* new section.

ADMISSION OF ESSENTIAL ALIENS 13.2

³²⁴
Sec. ~~412~~ Whenever the Director, the Attorney General, and 13.6
the Commissioner of Immigration shall determine that the entry of 13.7
a particular alien into the United States for permanent residence 13.8
is in the interest of national security or essential to national 13.9
intelligence activities, such alien and his immediate family 13.10
shall be given entry into the United States for permanent 13.11
residence without regard to their inadmissibility under, or their 13.12
failure to comply with, any immigration law of the United States
or any other law or regulation, but in no case may the number of 13.13
aliens and members of their immediate families who enter the 13.14
United States under the authority of this section exceed one 13.15
hundred in any one fiscal year. 13.16

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

10.2

Sec. ~~408~~³²⁵ (a) Notwithstanding any other provision of law, 10.6
 sums made available to the Agency by appropriation or otherwise 10.7
 may be expended for purposes necessary to carry out the lawful
 functions of the Agency. No funds may be expended for activities 10.8
 which have not been authorized by a law enacted during the same 10.8/1
 or immediately preceding fiscal year, except that this limitation
 shall not apply to funds appropriated by any continuing 10.8/2
 resolution. Such purposes may include --

(1) supplies, equipment, and personnel and 10.10
 contractual services otherwise authorized by law or 10.11
 regulation, when approved by the Director;

(2) training of Agency personnel and personnel of 10.12/1
 other departments and agencies; as appropriate 10.12/2

(3) personal services, including personal services 10.13
 without regard to limitations on types of persons to be 10.14
 employed, and rent within the United States and abroad;
~~at the seat of government and elsewhere,~~
 lease of buildings to the Government without regard to the 10.15
 limitations prescribed in section 322 of the Act entitled 10.16
 "An Act making appropriations for the Legislative Branch of
 the Government for the fiscal year ending June 30, 1933, and 10.17
 for other purposes", approved June 30, 1932 (40 U.S.C. 10.18
 278a); health-service programs as authorized by section 7901
 of title 5, United States Code; rental of news-reporting 10.19
 services; purchase or rental and operation of photographic
 reproduction, cryptographic, duplication and printing 10.20
 machines, equipment, and devices, and radio-receiving and
 radio-sending equipment and devices, including telegraph and 10.21
 teletype equipment; purchase, maintenance, operation, 10.22
 repair, and hire of passenger motor vehicles, aircraft, and 10.23
 vessels of all kinds; subject to policies established by the
 Director, transportation of officers and employees of the 10.24
 Agency in Government-owned automotive equipment between 10.25
 their domiciles and places of employment where such
 personnel are engaged in work which makes such 10.25/1
 transportation necessary, and transportation in such

equipment, to and from school, of children of Agency 10.27
 personnel who have quarters for themselves and their
 families at isolated stations outside the continental United 10.28
 States where adequate public or private transportation is 10.29
 not available; printing and binding; purchase, maintenance,
 and cleaning of firearms, including purchase, storage, and 10.30
 maintenance of ammunition; subject to policies established
 by the Director, expenses of travel in connection with, and 10.31
 expenses incident to attendance at meetings of professional, 10.32
 technical, scientific, and other similar organizations when
 such attendance would be a benefit in the conduct of the 10.33
 work of the Agency; association and library dues; settlement 10.34
 and payment of claims of civilian and military personnel, as
 prescribed in Agency regulations consistent with the terms 10.35
 and conditions by which claims are settled and paid under 10.36
 the Military Personnel and Civilian Employees' Claims Act of
 1964 (31 U.S.C. 240-243); acquisition, construction and 10.37
 alteration of buildings and facilities without regard to the
 Public Buildings Act of 1959 (40 U.S.C. 601-615); and 10.38
 repair, rental, operation, and maintenance of buildings, 10.38/1
 utilities, facilities, and appurtenances.

Whenever the Director determines such action to be necessary

(b) ~~The Director may expend any funds appropriated or 10.44~~
~~in the interest of the national security, the expenditure of funds~~
~~transferred to the Agency for the purpose of meeting emergency 10.45~~
~~appropriated or transferred to the Agency~~
~~and extraordinary expenses. The expenditure of such funds for 10.46~~
~~such purposes shall be accounted for solely on the certificate of 10.47~~
 the Director and every such certificate shall be deemed a
 sufficient voucher for the amount certified therein, but such 10.48
 expenditures may only be for activities authorized by law. The 10.49
 Director shall report all expenditures made under authority of 10.50
 this subsection on a quarterly basis to the Committees on 10.51
 Appropriation of the Senate and House of Representatives, to the 10.52
 Permanent Select Committee on Intelligence of the House of
 Representatives, and to the Select Committee on Intelligence of 10.53
 the Senate.

* (c) (1) The Director is authorized to establish and 14.56
maintain a fund to be known as the Contingency Reserve Fund 14.57
(hereinafter in this section referred to as the "Reserve
Fund") and to credit to such Reserve Fund only monies. 14.58
specifically appropriated to the Central Intelligence Agency
for such fund. The Director is authorized to expend funds 14.59
from the Reserve Fund in any fiscal year for the payment of 14.60
expenses incurred in connection with any national 14.61
intelligence activity, counterintelligence activity, or
counterterrorism activity if--

(A) the withdrawal of funds from the Reserve 14.63
Fund and the proposed expenditure have been previously
approved by the Office of Management and Budget; 14.64

(B) the Committee on Appropriations of the 14.66
House of Representatives, the Committee on
Appropriations of the Senate, the Permanent Select
Committee on Intelligence of the House of
Representatives, and the Select Committee on 14.67
Intelligence of the Senate have been notified of the 14.68
facts and circumstances regarding such withdrawal and 14.69
proposed expenditure at least 72 hours in advance of
the withdrawal; except that in extraordinary 14.70
circumstances the President may authorize the 14.71
withdrawal of funds from the Reserve Fund without 14.72
prior notification to the appropriate committees of
the Congress if the President notifies such committees 14.73
of the Congress within 48 hours after initiation of 14.74
the withdrawal, describes the activity for which such 14.75
funds have been or are to be expended, certifies to 15.1
such committees that prior notification would have 15.2
resulted in a delay which would have been harmful to 15.3
the United States, and discloses to such committees 15.4
the reasons why the delay would have been harmful.
The foregoing shall not be construed as requiring the 15.5
approval of any committee of the Congress prior to the 15.6
initiation of any such activity; and 15.7

* This section is adapted from an earlier draft of Title I.

| | |
|--|-------|
| (C) the money from the Reserve Fund is used | 15.9 |
| solely for the purpose of meeting requirements that | 15.10 |
| were not anticipated at the time the President's | 15.11 |
| budget was submitted to the Congress for such fiscal | |
| year, the purpose for which such money was used | 15.12 |
| requires protection from unauthorized disclosure, and | 15.13 |
| the activities to be funded are authorized by law. | 15.14 |
| (2) Monies from the Reserve Fund may be expended only | 15.16 |
| for the specific purpose for which the withdrawal was | 15.17 |
| approved under this subsection and any amount approved for | 15.18 |
| expenditure but not actually expended for the specific | 15.19 |
| purpose for which approved shall be returned to the Reserve | 15.20 |
| Fund. | |
| (3) No money may be expended and no financial | 15.22 |
| obligation incurred for the initiation or major expansion of | 15.23 |
| any activity to be funded from the Reserve Fund unless such | |
| expenditure or financial obligation has been approved by the | 15.24 |
| Director and the Director of the Office of Management and | 15.25 |
| Budget; | |
| (4) Any activity funded from the Reserve Fund that | 15.28 |
| continues after the end of the fiscal year in which it was | |
| funded by monies from the Reserve Fund shall be funded | 15.29 |
| thereafter through the regular budgetary process at the | 15.30 |
| earliest practicable time. | |

GENERAL COUNSEL; INSPECTOR GENERAL;
AND OTHER OFFICES

11.3
11.4

326
29

Sec. 440: (a) There shall be a General Counsel of the

11.8

Agency appointed by the President, by and with the advice and

11.9

consent of the Senate. The General Counsel shall serve as the
in addition to the duties assigned to the G.C. of each entity of the I.C. by §12 of this Act,
principal legal adviser to the Director and shall [^]have the
responsibility and authority to --

11.10

11.11

(1) review all activities of the Agency and advise

11.13

the Director whether such activities are in conformity with

11.14

the Constitution and laws of the United States, executive

11.15

orders, presidential directives and memoranda, and the

rules, regulations, and policies of the Agency;

11.16

(2) review all proposed rules and regulations of the

11.18

Agency, including but not limited to any rule or regulation

11.19

proposed to implement the provisions of this Act, to insure

11.20

that any such rule or regulation is in conformity with the

Constitution and laws of the United States, executive

11.21

orders, and presidential directives and memoranda;

11.22

~~(3) perform the duties assigned to the General~~

11.24

~~Counsel of each entity of the Intelligence Community by~~

11.25

~~section 124 of this Act; and~~

³
(4) perform such additional duties as the Director

11.27

may prescribe.

11.28

(b) There shall be an Inspector General of the Agency

11.30

appointed by the Director. The Inspector General shall ^{in addition to the} ~~have the~~
in addition to the I.G. of each entity of the I.C. by §124 of this Act, have
responsibility and authority to --

11.31

(1) investigate all activities of the Agency to

11.33

determine in what respects the Agency may more effectively

11.34

perform its lawful functions and to determine the facts and

11.35

circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of

11.37

the Agency of his findings regarding such activities;

11.38

~~(3) perform the duties assigned to the Inspector~~

11.40

~~General of each entity of the Intelligence Community by~~

11.41

~~section 124 of this Act;~~

- 3
(A) perform such other investigations as the Director 11.43
deems necessary and appropriate subject to the provisions of 11.44
this Act; and
- 4
(A) perform such other duties as the Director may 11.46
prescribe. 11.47
- (c) ~~(1) Subject to the provisions of paragraph (2), the 11.49
Director may appoint such other subordinate officials to 11.50
assist him in the performance of his duties as he deems 11.51
appropriate.~~
- ~~(2) Executive schedule positions within the Agency in 11.53
addition to those of Director, General Counsel, and 11.54
Inspector General and any positions in the grades of GS-16, 11.55
GS-17, and GS-18 other than those transferred to the Agency 11.56
under this Act shall be as authorized by law.~~
- ~~(3) Section 5315 of title 5, United States Code, is 11.58
amended by adding at the end thereof: 11.59~~
- "General Counsel, Central Intelligence Agency. 11.63
Inspector General, Central Intelligence Agency."

CONFLICTS OF INTEREST, CRIMINAL PENALTIES, RESTRICTIONS

CONFLICTS OF INTEREST

12.2

331

Sec. 411. Officers and employees of the Agency shall be 12.6
subject to all laws, regulations, Executive orders and directives 12.7
relating to conflicts of interest and the misuse of information 12.8
obtained in the course of their official duties, and the 12.9
Director, subject to policy guidance of the Attorney General, 12.10
shall issue regulations necessary to implement such laws,
regulations, Executive orders and directives. Notwithstanding 12.11
the foregoing sentence, the Director is authorized to waive the 12.12
application of any such law, regulation, Executive order or 12.13
directive when ^{the Director} ~~he~~ deems such action necessary because of the 12.14
unique function and mission of the Agency, but such a waiver may
be granted by the Director in any case only with the written 12.15
approval of the Attorney General and only after the Director has 12.16
notified the ^{HPSCI and the SSCI} ~~committees of the Congress having jurisdiction over~~ 12.17
~~the Agency~~ that such waiver is to be made and the reasons 12.18
therefor.

CRIMINAL PENALTIES

15.2

332
Sec. ~~414~~. (a) ~~Any person who, having learned in the course~~ 15.5/1
~~of his official duties the true identity of any officer or~~ 15.5/2
~~employee of the Agency who is performing Agency functions under~~ 15.5/3
~~cover knowingly communicates, furnishes, or otherwise makes~~ 15.7
~~available to any unauthorized person that identity in a manner~~ 15.10
~~which results in injury to or seriously jeopardizes the safety of~~
~~such officer or employee, or as could reasonably have been~~ 15.11
~~expected to result in injury to or jeopardize the safety of such~~ 15.12
~~officer or employee, shall be fined not more than \$20,000 or~~ 15.13
~~imprisoned not more than ten years, or both. (this is now paragraph [E])~~

^a
(a) Section 207 of title 18, United States Code, is amended 15.15
at the end thereof a new
by adding the following subsection, as follows: 15.16

"(d) Whoever, having been an officer or employee of 15.18
the Central Intelligence Agency and within two years after 15.19
his employment with such Agency has ceased, knowingly
participates ^{without obtaining a written waiver from the} 15.19/1
^{the Central Intelligence Agency under} 331
Director of ~~National Intelligence~~ pursuant to section ~~414~~ of 15.19/2
^{Central Intelligence Agency} 1978
the ~~National Intelligence Reorganization~~ Act of ~~1977~~, in the 15.20
liquidation, sale, or other disposition of a proprietary of
the Central Intelligence
~~such~~ Agency, either on his own behalf or as an agent or 15.21
attorney for anyone other than the United States, ^{shall be} 15.22
fined not more than \$10,000 or imprisoned for not more than
two years, or both. As used in this subsection, the term 15.23
'proprietary' shall have the same meaning as prescribed in 15.24
section ³⁰³ ~~403~~ of the ^{Central Intelligence Agency} ~~National Intelligence Reorganization~~ Act
of ¹⁹⁷⁸ ~~1977~~."

^b
(a) "Any person who knowingly and without the ^{express} written 15.26
^{of the Central Intelligence Agency}
permission of the Director, ^{uses the words} 'Central Intelligence 15.27
^{name}
Agency,' the initials 'CIA,' the seal of the Central Intelligence 15.28
Agency, or any colorable imitation of such ^{name} ~~words~~, initials or
seal in connection with any advertisement, book, circular, 15.29
pamphlet or other publication, play, motion picture, broadcast, 15.30
telecast or other production in a manner reasonably calculated to 15.31
convey the impression that such use is approved, endorsed or 15.32

(i) Chapter 33 of title 18, United States Code, is amended
by adding at the end thereof a new Section as follows:

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3 the
"Section 716. Misuse of the name, initials, or seal of the
Central Intelligence Agency."

Central Intelligence
authorized by the Agency, shall be fined not more than \$²10,000 or
imprisoned not more than ^{one}~~five~~ years, or both." 15.33

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

(1) Chapter 115 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"Section 2392. Unauthorized disclosure of identity of secret agents.

"(a) Any person who, having learned in the course 15.5/1
of his official duties ^{as an officer or employee of the United States} the true identity of any officer or 15.5/2
Central Intelligence Agency employee who is performing ^{lawful} ~~Agency~~ functions ^{for the Central} under 15.5/3
Intelligence Agency under ^{discloses or makes} ~~cover~~, knowingly communicates, furnishes, or otherwise ~~makes~~ 15.7
available to any unauthorized person that identity in a manner 15.10
which results in injury to or ~~seriously~~ jeopardizes the safety of
such officer or employee ^{of the Central Intelligence Agency,} or ~~as~~ could reasonably have been 15.11
expected to result in injury to or jeopardize the safety of such 15.12
officer or employee ^{of the Central Intelligence Agency,} shall be fined not more than \$⁵20,000 or 15.13
imprisoned not more than ^{five}~~ten~~ years, or both.

"(b) As used in subsection (a), the term 'cover' shall have the same meaning as prescribed in section 303 of the Central Intelligence Agency Act of 1978."

(2) The table of sections at the beginning of chapter 115 is amended by adding at the end thereof a new item as follows:

"2392. Unauthorized disclosure of identity of secret agents."

RESTRICTIONS

14.2

332

Sec. 413. (a) The authorities, duties, and

14.6

responsibilities established in this title are subject to the
procedures, prohibitions, and restrictions contained in title II and in
~~restrictions of sections 115-122 and Title II of this Act.~~
sections 131 through 139 of this Act.

14.7

14.8

(b) The Agency shall have no police, subpoena, or law

14.10

enforcement powers, nor perform any internal security or criminal

14.11

investigation functions except to the extent expressly authorized

14.12

by this Act.

TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES 16.3
FOR CERTAIN AGENCY PERSONNEL 16.4

341
Sec. 417. (a) ~~Definitions.~~ As used in this section -- 16.9

(1) the term "employee" means any person employed by 16.11
the Agency, but does not include, unless otherwise 16.12
specifically indicated, any person working for the Agency 16.13
under a contract or any person who when initially employed 16.14
is a resident in or citizen of a foreign country in which
the station at which such person is to be assigned to duty 16.15
is located.

(2) the term "foreign area" means any geographic area 16.17
outside the United States. 16.18

(3) the term "United States" means the several 16.20
states, the District of Columbia, the Commonwealth of Puerto 16.21
Rico, the Territory of the Virgin Islands, and the Canal 16.22
Zone, but does not include Guam and other territories and 16.23
possessions of the United States. 16.24

(b) Under such regulations as the Director of National 16.26
Intelligence shall approve -- 16.27

(1) with respect to employees assigned to duty 16.29
stations within the United States, the Agency may pay: 16.30

(A) travel, transportation, and subsistence 16.32
~~expenses in accordance with the provisions of chapter~~ 16.33
~~comparable with and provided by~~
57 of title 5, United States Code, and 16.34

(B) allowances in accordance with the 16.36
provisions of chapter 59 of title 5, United States 16.37
Code.

(2) with respect to employees assigned to duty 16.39
stations in any foreign area, the Agency may provide 16.40
allowances in accordance with the provisions of chapter 59 16.41
of title 5, United States Code, allowances and other 16.42
benefits in the same manner and under the same circumstances
such allowances and other benefits are provided employees of 16.43
the Foreign Service under title IX of the Foreign Service 16.44
Act of 1946 (22 U.S.C. 1131-1158), and death gratuities in 16.45
the same manner and under the same circumstances such 16.46
gratuities are provided employees of the Foreign Service 16.47

under Section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", 16.48
approved August 1, 1956 (22 U.S.C. 2679a). 16.49

(c) (1) Whenever any provision of law relating to travel 16.51
and related expenses or death gratuities of employees of the 16.52
Foreign Service ~~is enacted after the date of enactment of this Act~~ 16.53
~~is not enacted as an amendment to one of the provisions referred to~~ 16.54
~~paragraph (b) (2) above, is added or amended after the date~~ 16.54
~~in subsection (b)(2) of this section,~~ 16.54
~~of enactment of this Act and the President determines that~~ 16.55

it would be appropriate for the purpose of maintaining
conformity between provisions of law relating to travel and 16.56
related expenses and death gratuities of the Foreign Service 16.57
and provisions of law relating to travel and related 16.58
expenses and death gratuities of employees of the Agency, 16.59
the President may, by Executive Order, extend in whole or in 16.60
part to employees of the Agency any such allowances ~~or and~~
benefits applicable to employees of the Foreign Service ^{by such provision of law} 16.61

(2) Any ~~provisions of an~~ ^{such} Executive Order issued 16.63
pursuant to this subsection shall have the force and effect 16.64
of law and ~~shall~~ ^{may} be given retroactive effect to a date not 16.65
earlier than the effective date of the corresponding 16.66
provisions of law relating to Foreign Service personnel.
Any such order shall modify, supersede, or render 16.67
inapplicable, as the case may be, to the extent inconsistent 16.68
therewith --

(A) all provisions of law relating to travel, 16.70
related expenses and death gratuities of employees of 16.71
the Agency enacted prior to the effective date of the 16.72
provisions of such Executive Order, and 16.73

(B) any provision of any prior Executive Order 16.75
issued under authority of this section. 17.1

(3) An Executive Order under this subsection may not 17.3
become effective until the expiration of at least 60 days 17.4
after the President submits the proposed order to those 17.5
committees of the Senate and House of Representatives having 17.6
jurisdiction over the subject matter of the order. 17.7

(d) (1) Notwithstanding the provisions of subsection (b) 17.9
 and (c) ~~of this section~~, and under such regulations as the 17.10
 Director of National Intelligence shall approve, the Agency 17.11
 expenses, and allowances equivalent
 may pay ^{benefits} ~~benefits, to employees comparable to those~~ 17.12
 specifically authorized in ^{subsections (b) and (c), in any case in which} ~~this section when it is~~ 17.13
~~determined by the Director that such action is essential for~~
 reasons of operational necessity or security, ~~the means of paying expenses~~
 benefits, and allowances authorized in ~~subsections (b) and (c), shall not be utilized~~
 (2) The Director shall annually inform the Permanent 17.16
 Select Committee on Intelligence of the House of 17.17
 Representatives and the Select Committee on Intelligence of 17.18
 the Senate of any expenditures made under this subsection 17.19
 and the reasons therefor.

RETIREMENT SYSTEM

18.2

³⁴²
 Sec. ~~413~~. Employees of the Agency shall participate in the 18.6
 regular Federal civil service retirement system pursuant to 18.7
 subchapter III of chapter 83 of title 5, United States Code. The 18.8
 Director may, however, continue to designate for participation in 18.9
 the Central Intelligence Agency Retirement and Disability System, 18.10
 authorized by the Central Intelligence Agency Retirement Act of 18.11
 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note),
 certain employees of the Agency whose duties are either (1) in 18.12
 support of Agency activities abroad and ~~are highly~~ hazardous to 18.13
 life or health or (2) so specialized as to be clearly
 distinguishable from normal government employment; but the number 18.14
 of employees of the Agency which may retire on an annuity under 18.15
 such system in any period may not exceed the limits prescribed by
 law.

PART F

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS, 19.3

STATUTES REPEALED

Sec. ³⁵¹~~420~~ (a) ^{positions established in and} All personnel employed by the Central 19.7
^{as in effect} Intelligence Agency, on the day before the effective date of this 19.8
 title, and all obligations, contracts, properties, and records 19.9
 employed, held, or used primarily in connection with any function 19.10
 to be performed by the Agency under this title, are transferred 19.11
 to the Director.

(b) All orders, determinations, rules, regulations, 19.13
 permits, contracts, certificates, licenses, and privileges which 19.14
 have become effective in the exercise of functions transferred 19.15
 under this title and which are in effect on the day before the 19.16
 effective date of this title, shall continue in effect until 19.17
 modified, terminated, superseded, set aside, or repealed by the
^{or other properly designated Agency official,} Director, by any court of competent jurisdiction, or by operation 19.18
 of law.

(c) The provisions of this title shall not affect any 19.20
 proceedings pending before the Central Intelligence Agency as in 19.21
 effect prior to the effective date of this title. 19.22

(d) No suit, action, or other proceeding begun by or 19.24
 against any officer in his official capacity in the Central 19.25
 Intelligence Agency, as in effect prior to the effective date of 19.26
 this title, shall abate by reason of enactment of this title. 19.27

(e) With respect to any function transferred by this title 19.29
 and exercised after the effective date of this title, reference 19.30
 in any other Federal law to any department, agency, office, or 19.31
 part thereof shall be deemed to refer to the department, agency, 19.32
 or office in which such function is vested pursuant to this 19.33
 title.

STATUTES ~~SUPERSEDED AND~~ REPEALED 20.2

³⁵²
 Sec. ~~421~~ Section 102 of the National Security Act of 1947 20.7
 (50 U.S.C. 403) (50 U.S.C. 403 a-j)
 and the Central Intelligence Agency Act of 1949 are repealed.

~~EFFECTIVE DATE~~ 21.2

^{it}
~~Sec. 422. This title shall become effective the first day~~ 21.6
~~of the third~~ ~~Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3~~ is 21.7
~~enacted.~~

STAT

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3

MEMORANDUM FOR: Recd Comments from

1. RECD
2. SD
3. P+PS
4. PD
5. LEGAL

Title
III

FOL DID NOT COMMENT

1. P+PD
2. LSD

NOTE:

ED/OL - write brief
response -

Date

12/7

FORM 101 USE PREVIOUS
5-75 EDITIONS

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3

See Title ✓

Approved For Release 2003/09/29 : CIA-RDP85-00759R000100110001-3